

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

JST

Mailed: September 6, 2002

Opposition Nos. 91122457
and 91122961

The Mustique Company,
Limited

v.

Dorian Investments, Inc.

Jyll S. Taylor, Attorney:

On March 5, 2002, applicant's attorneys perfected their request to withdraw as applicant's counsel of record in this case. The request to withdraw as counsel is now in compliance with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Office Rule 10.40, and is accordingly granted.

Peter K. Sommer and the law firm of Phillips, Lytle, Hitchcock, Blaine & Huber LLP no longer represent respondent in this proceeding. However, it is noted the applicant's domestic representative's copy of the Board's February 20, 2002 order was returned as undeliverable. Accordingly, until applicant appoints a new domestic representative, the law firm of Phillips, Lytle, Hitchcock, Blaine & Huber LLP remain of record solely as a conduit for proceeding correspondence.

In view of the withdrawal of applicant's counsel, and in accordance with standard Board practice, proceedings herein

are suspended, and applicant is allowed until **thirty days** from the mailing date of this order to appoint new counsel, or to file a paper stating that respondent chooses to represent itself.

At a minimum, applicant must designate a new domestic representative, by written document, upon whom proceeding correspondence may be served. The mere appointment of a domestic representative does not authorize the person designated to prosecute the proceeding unless qualified under Trademark Rule 10.14. See Trademark Rule 2.119(d); and TBMP §114.07.

If applicant files no response, the Board may issue an order to show cause why default judgment should not be entered against applicant based on its apparent loss of interest in the case.

Proceedings herein remain otherwise suspended. Additionally, as indicated in the Board's February 20, 2002 order, applicant's former counsels filing of the original motions to withdraw effectively tolled the running of this proceeding. If and when proceedings herein are resumed, applicant will be allowed time to respond to opposer's discovery requests served November 5, 2001. Accordingly, applicant's motion (filed April 15, 2002) to extend time to respond to outstanding discovery requests will be given no further consideration. Applicant's motion to consolidate this proceeding with Opposition No. 91124626 remains deferred pending joinder of the issues in Opposition No. 91124626.

Opposition No. 91122457

A copy of this order has been sent to all persons listed below.

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